

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 13, 1977
10:00 A. M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Pro Tem Snell presiding.

Roll Call:

Present: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino

Absent: Mayor Friedman

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for January 6, 1977. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Trevino

Noes: None

Absent: Mayor Friedman

Abstain: Councilmember Linn

SENIOR NUTRITION WEEK

Councilmember Himmelblau read and then presented a proclamation to Edna Santos proclaiming the week of January 16-22, 1977, as "Senior Nutrition Week" in Austin. Ms. Santos said that she would like to thank the City Council on behalf of the Austin-Travis County Senior Luncheon Program and the Senior Citizens Advisory Board. Two other persons extended their thanks to the Council and Advisory Board for the support given the program. Councilmember Himmelblau said that she would like to add one more thank you to Ms. Dorothy Nan McClain of the Parks Department.

ASSOCIATED GENERAL CONTRACTORS OF AMERICA

Councilmember Hofmann read and presented a resolution to Buddy McGee, Ray Atkins, and Charles Morton of the Austin Chapter of the Associated General Contractors of America, Inc., Building Branch recognizing the sound principals extolled by the many members of the branch, particularly in the area of civic consciousness and responsibility. The resolution stated that those who have served as official leaders of this group of individuals should be accorded full recognition for their exemplary execution of the many responsibilities their positions entailed; that those who are to follow as future leaders be charged to carry forth the same high standards of judgment and dedication to the goals of the community as evidenced by their predecessors. Mr. McGee thanked the Council for the award on behalf of the AGC.

BLOOD DONOR RECRUITMENT WEEK

Councilmember Hofmann read and then presented a proclamation to Mrs. Jack Crier proclaiming the week of January 17-21, 1977, as "Blood Donor Recruitment Week." The proclamation urges all citizens of Austin to consider donating blood this week and throughout 1977 to the American Cancer Society Blood Fund. Councilmember Linn inquired as to the time and place for donations. Mrs. Crier replied that blood can be donated by persons 18 to 65 (with limitations) at the Blood Bank, 4400 North Lamar, between the hours of 9 and 5.

INTERNATIONAL JAYCEE WEEK

Mayor Pro Tem Snell read and then presented a proclamation to Pat Kaufman, representing the Austin Jaycees, proclaiming the week of January 17-23 as International Jaycee Week and recognized the local chapter as having been accorded the highest honor the national organization can bestow - The Gold Chip Award - for dedication and community involvement in such projects as the Food for the Needy Drive, aiding underprivileged children during the Christmas season, as well as many other similar instances of civic consciousness.

Mr. Kaufmann expressed his appreciation to the Council and the Citizens of Austin for the support and cooperation that has been given the Jaycees over the past years. Mr. Kaufman said that the Jaycees are really looking forward to working with the citizens, as well as making the city a better place to live and helping young men between the ages of 18 and 35 to be of more sound character and of better mind.

THINK TREES WEEK

Mayor Pro Tem Snell read and then presented a resolution to Councilmember Hofmann proclaiming the week of January 16-22, including Arbor Day, as "Think Trees Week." The resolution encourages the residents of Austin to join in this observance by planting trees and by preserving our most important natural resource. Councilmember Hofmann thanked Mayor Pro Tem Snell for the presentation.

PARADE PERMIT

Councilmember Linn moved that the Council approve the following request for a Parade Permit:

Sister Carletta LaCour, O.P., requested a parade permit for St. Austin's Catholic Elementary School, Monday, February 7, 1977, from 1:30 p.m. to 2:00 p.m., beginning north on San Antonio Street, east on 21st and south on Guadalupe.

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

Absent: Mayor Friedman

CITIZENS COMMUNICATION CONCERNING
BUILDING INSPECTION DEPARTMENT

Ms. Nella Cunningham, representing herself, her husband and the residents of Miles Avenue, came before the Council to discuss the procedures of the Building Inspection Department. As stated in her letter to Secretary of State Mark White, Ms. Cunningham is concerned about "irregularities of the Notary Public acknowledgements on the attached documents (copies of which were provided the Council) justify an investigation by authorities of clearly illegal and improper procedures of City of Austin employees who supposedly are in a fiduciary capacity and are considered servants of the people."

Councilmember Himmelblau inquired as to whether the documents were actually notarized, as the seal is not evident on the copies. Mr. Davidson asked Ms. Cunningham, owing to the fact that the notary seal is missing, if she had inquired as to the authenticity of the document and if the notary public had actually signed the document. Ms. Cunningham said that she had not made such inquiry. Mr. Davidson asked if anyone with the City had tried to help her. She said that since it was a notary public situation and that the Secretary of State has jurisdiction over notary publics, she decided to contact him rather than anyone with the City. Mr. Davidson stated that he would investigate the situation and provide a report on his findings. Councilmember Himmelblau asked Ms. Cunningham where she found the document in question. She stated that it was stapled to a Certificate of Occupancy.

The second phase of Ms. Cunningham's appeal to the Council was in regard to various Miles Avenue grievances.

Councilmember Linn inquired about a Certificate of Occupancy which has been issued on property at 1101 South 6th Street. After investigating the document, Mr. Lonnie Davis stated that final approval had never been given for the property in question and the document is in fact an application for Certificate of Occupancy with partial approval, not including sewer connections.

Councilmember Linn asked Mr. Davis if we need some type of mechanism where we can continue to check to see if work is being done. Mr. Davis answered that we need a shorter time frame in order to cancel a permit out and that the Committee with which he is working at present is working to put a time frame in, to considerably shorten the time that a job must be abandoned.

Ms. Cunningham particularly noted as grievances the following:

1. Move-in houses, badly in need of repair
2. Driveway built on area with natural drainage problem

By the use of slides, she showed a house located across the street from her residence. Supervision of the renovation and construction of the driveway was the responsibility of the Assistant Director of Inspection of the City of Austin Building Inspection Department. The director of the department had also made an on-site inspection of the driveway and drainage problem.

The driveway, which provides front door rather than off-street parking, has begun to sink. The slopes conduct water on the foundation and plumbing pipes, the latter thus now being exposed. The driveway was shown as a prop for the front steps to the house. Ms. Cunningham stated that the driveway was a variance from the other houses on the street and that, because of the drainage problem, the house was put close to the street. She fears that other houses will be moved in and similar problems will develop. Councilmember Linn inquired as to whether the driveway adds to the drainage problem. Mr. Lonnie Davis, Building Inspector, replied that it did not; however, Ms. Cunningham said in her opinion it does. Mr. Davis said that the drainage problem is behind the house where there is a drain easement.

Ms. Cunningham said that the Miles Avenue residents were told that the houses would be "like new," before any utilities would be connected. She detailed some of the problems that still exist as follows:

1. No concrete footings on the piers
2. Brick falling away
3. Peeling paint
4. House slants
5. Faulty roof
6. Termites
7. Holy pipes
8. Trash - old clothes and furniture were thrown in the yard
(Mr. Armand Ablanedo, Assistant Director of Inspection and the one responsible for all moved-on buildings, did later have the trash removed.)

Ms. Cunningham read a letter from Mr. Ralph Harris, surveyor, who said that the natural drainage does not coincide with recorded easement. The City is continuing to allow houses to be moved on natural drainage areas. She suggested two things that the City could do to relieve the problem.

1. Authorize drainage easement be defined by a channel of some kind.
2. Make the channel or ditch deep enough to carry surface water - make it the length of the block.

Mayor Pro Tem Snell acknowledged the problems and welcomed public input in hearings of January 19 and 26, 1977, in which he expects to discuss a future Ordinance relating to the problems and possible solutions which will make the City proud.

Mr. Davidson stated that he would like to make one thing very clear - if the Council gets recommendations to change the Ordinances involved, he will be happy to enforce those Ordinances; however, he feels that the implication that someone on the building staff has not done their job or has not followed the law or carried out appropriate procedure is simply not the case.

Mayor Pro Tem Snell said that the City will try to hold up any further work in the Miles Avenue area until a report on the natural drainage problem has been received. Mr. Davidson said that the status of any permits already issued will be checked but that the City is probably not in any position to stop anything that is now under way. Mayor Pro Tem Snell thanked Ms. Cunningham for her report and expressed his concern over the existing conditions in the City and his desire to see the cooperation of the entire City in eliminating such conditions.

ZONING HEARINGS

Mayor Pro Tem Snell announced that the Council would hear the zoning cases scheduled for 10:00 a.m. for public hearing. Pursuant to published notice thereof, the following zoning cases were publicly heard:

MARY T. STUMPF	808 West 11th Street	From "B" Residence
ESTATE		2nd Height and Area
By John Harris		To "O" Office
C14-76-107		2nd Height and Area
		RECOMMENDED by the Planning
		Commission

Mr. Dick Lillie, Director of Planning, reviewed the application and stated that the Planning Commission had, two weeks previously, recommended to the Council that the zoning be granted. He noted, however, that Mr. Ted Siff of the neighborhood association requested consideration be given to moving an old house on the lot, and that the house be retained as a condition of the zoning. Mr. Lillie contacted the applicants, who in turn requested to address the Council.

MR. MALCOLM SMITH, equitable owner of the lot in question, stated that he would be opposed to putting a condition on the "O" Office zoning, because it is very difficult to finance a vacant lot and the intent of financing the vacant lot was that it be "O" Office zoned. He said that was a condition in his contract and what is being contemplated in financing.

Mr. Smith stated that he would be agreeable to putting a deed restriction on the house (better known as the Moffitt House) after he has received his financing and the house has been put on the lot, for the benefit of the City to preserve the house; he has so advised Mr. Siff. Mr. Siff has agreed to withdraw his objection, based on a gentlemen's agreement between the two men.

Mr. Siff addressed the Council, for the record, and stated that he would be pleased to remove any objection to the zoning application and that he is very pleased with the agreement he and Mr. Smith have made, stating that the deed restriction will preserve the house from any future demolition or removal.

MR. JIM ROCK appeared before the Council on behalf of the Hyde Park Neighborhood Association. He stated that they were pleased to know that the Moffitt House would be preserved; however, he did have a "bone to pick" with either the Heritage Society or Hyde Park Baptist Church. Mr. Rock stated that there had been an agreement made with the organizations - if the Moffitt House were moved from its existing location, the Hyde Park Neighborhood Association was to be notified and a six-month waiting period allowed, during which there would be time to determine a new location for the house. According to a letter sent to Mr. Smith, from the Heritage Society, the waiting period had been waived; however, the Hyde Park Neighborhood Association had no knowledge of the waiver. Mr. Rock stated that he knew nothing could be done, but he did want this oversight to be noted in the records.

Councilmember Linn moved that the Council grant "O" Office, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Pro Tem Snell
Noes: None
Absent: Mayor Friedman

The Mayor Pro Tem announced that the change had been granted to "O" Office, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JUNIOR HELPFINGHAM
HOME FOR CHILDREN
By Robert C. Duke
& Richard Baker
C14-76-111

406 West 38th Street,
also bounded by Avenue
B and West 38-1/2
Street

From "A" Residence
1st Height and Area
To "B" Residence
2nd Height and Area
RECOMMENDED by the Planning
Commission, subject to the
application granting to the City
an option to purchase 15 feet
of right-of-way on West 38th
Street and 10 feet of right-of-
way on Avenue B.

Mr. Dick Lillie reviewed the application and stated that the Planning Commission recommended the "B" zoning be granted and that the City take an option on the required right-of-way on 38th Street and Avenue B. Mr. Lillie distributed maps showing the right-of-way that the City has acquired through zoning on 38th Street, in order to show the consistency of Council's action with respect to right-of-way, as well as the location of the subject tract. Councilmember Linn asked if the City has been taking right-of-way action on Avenue B. Mr. Lillie stated that the City has not, but the City is recommending it in this case.

MR. ROBERT DUKE, representing the Junior Helping Hand Society, showed slides of the home, built in 1925 prior to the zoning ordinances. The home has maintained its character since that time. The Society has wrestled with the problem of moving off the tract but decided for cultural and other reasons that it would retain the property and build a new children's home on it. The new home will cost approximately \$350,000 and will face Avenue B.

Mr. Duke stated that the property has to be zoned, because of the new structure. The ladies object to the fact that the character of the property has not changed during this time and that they are having to raise money through foundations and private grants here in town. In order to utilize the property in exactly the same way, for the same charitable purpose that they have been doing since 1925, they are having to give up approximately \$20,000 of property value to maintain the charitable institution they have had since the zoning ordinances. It seems unfair to them. They have met and have authorized the execution of this option, if it is the Council's will. They cannot hold up any more, considering the cost of construction and are at the mercy of the Council at this point, as far as the use of the property is concerned. They will have to give up the property in question, in order to satisfy the contractual commitment they have made.

Mr. Duke stated that the case is simple - the ladies see the need for the widening of the street. Some 10 to 12 feet have already been taken from the property for the widening of the street on the Guadalupe side. This proposed change would take an additional 15 feet from Guadalupe and 10 feet on Avenue B. Mr. Duke said, "This seems an unfair burden to place on this charitable organization that has been in existence for such a long time and has meant so much to the City of Austin."

Councilmember Himmelblau asked if this couldn't have come in under special permit, rather than zoning change. Mr. Duke said, no, because of the size of the tract and the variances required. He said that he and Mr. Baker explored that possibility with the Planning Commission and their recommendation was to proceed in this way.

Mr. Lillie stated that a total of 15 feet would be required on the north side of 38th Street and that if some of the land has already been dedicated for the existing work which has been done, the difference between the two would be all that is required. He said that the City is attempting to achieve a total right-of-way width of 90 feet - 5 feet from the south side and 15 feet from the north. Councilmember Linn asked if we had taken the same amount of property along 38th, up to that point. Mr. Lillie said that we had on 38th but not on Avenue B. Councilmember Hofmann asked if we would ultimately have to take more, as it appears not to line up on the map. Mr. Lillie said, no, that the right-of-way is as shown.

Councilmember Trevino stated that the ladies are asking the City to waive the requirement to purchase the right-of-way for \$1.00 and to allow the "Home" to sell the property at fair market value, in order to reprogram the money. Mr. Lillie stated that the Council has three options: (1) the required dedication that it makes of every rezoning case (2) consider the option which was discussed for \$1.00 (3) acquire the property by condemnation when the street is needed. Councilmember Linn asked if that would cost much more. Mr. Lillie stated that it would cost the fair market value of the land.

Councilmember Himmelblau asked what is located across the street from the home on Avenue B. Mr. Lillie stated that residences are located there and that the right-of-way policy was probably not in effect when that particular zoning was granted. One piece of property on the north end of the block on the east side is still zoned "A" Residence. Avenue B, which is only one block long, has not given any right-of-way.

Councilmember Linn asked if the Council could eliminate that part of the option which would require 10 feet of right-of-way on Avenue B. Mr. Lillie said yes, at the Council's discretion. Councilmember Lebermann asked Mr. Lillie to state again the total right-of-way requirement. Councilmember Himmelblau then asked if this would then effect the set back requirements for the new building. Mr. Duke stated that it would, but due to the option arrangement worked out, a variance would not be needed at this time. The building will be faced on Avenue B, so that the existing structure can be used while construction of the new building is taking place; then, the old building will be demolished. Councilmember Linn asked Mr. Duke if dropping the requirement on Avenue B would help and he said, yes, some.

Councilmember Lebermann asked Mr. Duke if he could shed any light on the question of the dedication of the 38th Street property. Mr. Duke said that the widening took between 30 and 50 feet off the west end of the 38th Street property, being about 10 feet at that point. He said there is a total of about 300 feet still to be effected by the 15-foot requirement.

Councilmember Linn said that she had no problem dropping the Avenue B requirement, but she did have a problem dropping the 38th Street requirement, as that property had consistently been acquired all along 38th Street. In reply to Councilmember Himmelblau's question, Mr. Lillie stated that all the property along 38th Street had been acquired through rezoning applications.

Councilmember Linn moved that the Council grant "B" Residence, 2nd Height and Area District, as recommended by the Planning Commission, subject to an option to purchase 15 feet of right-of-way on ~~West~~ 38th Street but to eliminate the option to acquire 10 feet of right-of-way on Avenue B. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Mayor Friedman

The Mayor Pro Tem announced that the change had been granted to "B" Residence, 2nd Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

PUBLIC HEARING ON CONSIDERATION OF THE POLICY GUIDELINES FOR THE HOUSING REHABILITATION PROGRAM

Mayor Pro Tem Snell opened the public hearing scheduled for 10:30 a.m., recognizing Mr. Lillie for a brief presentation. Mr. Lillie stated that the City has been operating under a series of interim policy guidelines for housing rehabilitation and in June of last year a sub-committee of the Community Development Commission and the Planning Commission began to amend and update the interim policy guidelines on housing rehabilitation. He said that these guidelines were presented to the Council in December for consideration, thus the public hearing was set for January 13, 1977. Mr. Lillie said that the staff prepared guidelines which were reviewed by the sub-committee of both commissions, as well as by both commissions. Two amendments were made to the staff recommendations (1) dealt with the housing rehabilitation program, maximum expenditure per

unit be limited to \$7500 and appeals to this maximum, based on household need or the size of the housing unit, be made to the Urban Renewal Board of Commissioners. The provision was amended by both the Community Development Commission and the Planning Commission to read: That this maximum expenditure per unit will not be applicable to the housing rehabilitation program in the Clarksville impact area. (2) deals with the emergency repair program and states that the applicant eligibility requirements are the same as for standard rehabilitation programs. No loans for mortgage refinancing are available for this program; therefore, contract of sale applicants are not eligible. The subcommittee in both commissions considered that particular language and the amendment is as follows: Applicants, otherwise eligible for the housing rehabilitation program, but with contract-of-sale agreements, are eligible also for emergency repair grants. That is, they included contract-of-sale agreements eligibility for emergency repair program.

Mr. Lillie further stated that the Planning Commission also made another amendment for the Council's consideration - that, contract-of-sale agreements are eligible for emergency repair grants, providing that such contracts-of-sale be converted to deeds, deeds-of-trust, or recordable contracts-of-sale, all of which shall be recorded, in an effort to have the property owner or the recipient of the grant be the holder of the deed for the emergency loan. Councilmember Himmelblau asked if there is a second lien against the property when one is filing on contract-of-sale, is there any way of granting clear title.

Mr. Lillie introduced LUTHER POLNAU and requested that he answer some of the detailed questions. Mr. Polnau said that in a situation such as the one to which Councilmember Himmelblau referred, the contract-of-sale document would probably not qualify to be recorded in at least keeping the assistance of the program in helping the contract-of-sale occupant, which is the intent of the provision in the policy guidelines; so, if the contract-of-sale is a rather complicated arrangement of liens, it would have to be straightened out before they would be eligible for emergency repair assistance. Mr. Lillie commented that, with the two amendments, the program is recommended to the Council for consideration.

Councilmember Himmelblau asked if the votes by the two commissions were unanimous. After checking his minutes, Mr. Lillie stated that the vote was unanimous by the Planning Commission. Mr. Andy Ramirez stated that the Community Development Commission took a vote on each amendment, the vote being 13 to 1 and then a final vote to adopt the total package, which was unanimous. Councilmember Himmelblau stated that she understood a minority report was due before the Council.

Mayor Pro Tem Snell recognized MR. ELLIOTT NAISHTAT, Vice-Chairman of the Community Development Commission. Mr. Naishtat said that he would like to address his remarks to the question concerning the ceiling exemption for Clarksville, whether or not the \$7500 maximum expenditure per unit should be applied in the Clarksville community. Mr. Naishtat made three basic statements:

1. No neighborhood would be adversely effected by granting this exemption
2. There are four houses in the Clarksville area which will cost more than \$7500 to rehabilitate
3. The Clarksville people have formally requested that this particular exemption be granted

In elaborating on the reasons for this request, Mr. Naishtat said that he would like to discuss these reasons in terms of their reasonableness, the questions of equity, and in terms of the type of precedent which the City might be setting in adopting this kind of exemption. Mr. Naishtat inquired, "Is this a reasonable request in terms of preserving the historical character of the Clarksville community." He commented that he thought it was, as Clarksville is now listed in the National Register of Historic Places with the Department of the Interior.

According to a list of the owner-occupied houses in the Clarksville area which may be eligible (according to a recent study, approximately one-fifth of the people probably will not qualify for the program, because their incomes are above the eligibility requirements), each of the 25 houses which are possibly eligible for rehab under this program have historical value, including the four which will cost more than \$7500 to rehabilitate. HUD's regulations regarding implementation of the Housing and Community Development Act, stipulate that recipients (the City of Austin) must "take into account the effect of a project on any district, site, building, or structure listed in the National Register." HUD also stipulates that recipients "should make every effort to eliminate or minimize any adverse effect on an historic property."

Mr. Naishtat commented that, accordingly, waiving the \$7500 ceiling for the four houses in the Clarksville area which will cost between \$7500 and \$9500, will further the HUD goal of eliminating and minimizing adverse effects on historic property. He further stated that if these houses are not rehabilitated, they will definitely be adversely effected. Each of the four houses in question is over 70 years of age, occupied by an elderly family on a fixed income who have no other recourse at this time to bring their homes up to standard.

Recognizing that the Council, in January of 1976, earmarked \$100,000 for the rehabilitation of houses in the Clarksville area, Mr. Naishtat further stated that it should be clear that waiving the \$7500 maximum will in no way have an adverse or negative effect on any other part of the City. He stated that the \$100,000 has already been committed and that allowing the exemption will not take funds away from any other area, thus not depriving anyone of anything.

Mr. Naishtat stated that there had been no opposition voiced and no objections were raised. To the contrary there had been several letters of support, one being from the East First Street Advisory Board. He added that during the sub-committees' hearings, one neighborhood came forth and said that they had a comprehensive plan involving citizen participation which they would like approved. The plan concerns implementation of the Housing Rehabilitation Project in the Clarksville community. Not only was this plan approved by the sub-committee, but it was expanded and made available for every other community, in terms of citizen participation. The plan concerns the people of Clarksville coming forth and saying, "We'd like to be meaningfully involved in both planning and implementing this particular project." The Clarksville people intend to survey the housing conditions in the entire community, screen the home-owners to determine financial eligibility, and combine the income information they receive with the housing condition information they gather so that they may come up with a list of priorities in terms of the neighborhood as a whole. Mr. Naishtat added that within the \$100,000 which has been rehabilitated there is enough money to fix all the houses which may be eligible.

He stated that part of the plan involves the four houses which will cost more than \$7500 apiece to rehabilitate. In order to prepare and implement their plan in terms of the entire community, the people are asking to not have to go through the regular appeals process. They are asking that their duly elected Advisory Board be authorized to set its own ceiling for Clarksville. They are asking that the people be given decision-making authority regarding the implementation of the \$100,000, in terms of housing rehabilitation in Clarksville. They are asking to participate in an entire comprehensive rehabilitation process.

Mr. Naishtat pointed out that HUD's regulations call for permitting citizens "likely to be effected by community development and housing activities to articulate needs and express preferences about proposed activities and to assist in the selection of priorities." Mr. Naishtat asserted that granting this request will serve to encourage meaningful citizen participation in other parts of the City. In summary he stated: (1) no neighborhood will be adversely effected (2) \$100,000 has already been earmarked (3) there have been no objections or major opposition (4) the CDC passed the recommendations 13 to 1 and the Planning Commission passed them unanimously (5) there are four houses in Clarksville that will cost over \$7500 apiece to fix (6) the entire area can be rehabilitated by staying within the \$100,000 allowance (7) the people of Clarksville have organized themselves for this purpose and would like to demonstrate to the City that real citizen participation can work to preserve and improve a community.

Councilmember Himmelblau asked Mr. Naishtat if, providing the homes which have historical significance are repaired, can the City be assured that the homes will not, some time in the future, be torn down. He replied that the people of Clarksville would do everything in their power to prevent that from happening. To Councilmember Himmelblau's inquiry concerning the eligibility of the homes for historic zoning, Mr. Naishtat replied that he was sure they would be zoned as such.

Councilmember Linn stated that the Historic Zoning Commission has been working on the possibility of zoning districts as historic.

Councilmember Himmelblau declared her fear that as the property is improved, it might become speculative property and would work to the detriment of the people of the Clarksville area. Mr. Naishtat affirmed his concern and the concern of the citizens of Clarksville, but he feels that it will not ultimately be a problem.

Councilmember Linn inquired as to whether Mr. Naishtat agreed with the second amendment, as proposed by the Planning Commission. He stated that he recognizes it as a highly commendable proposal.

Reverend W. B. Sutherland, Pastor of the Sweethome Baptist Church and a representative of the Clarksville Advisory Board, read a letter written to the Council on January 12, 1977, in which the desire and intent of the Clarksville citizens was outlined. Rev. Sutherland added that the income guidelines being imposed will prevent this program from becoming abusive.

MR. JIM PIPER, Staff Attorney with the Travis County Legal Aid, addressed the Council concerning contracts-of-sale. He stated that there are two possible arguments against contracts-of-sale and why they are not as good as deeds of trust. The first is that somehow you will not have as much notice and are more likely to lose your property. The other is that no one knows about them, thus being a fear of abuse. Mr. Piper asserted that there is no rational reason to speak out against contracts-of-sale. Mr. Piper stated that the intent and purpose of the act is to create housing for middle and low income people, most of whom are buying under contracts-of-sale, not deeds of trust.

Councilmember Linn inquired as to whether Mr. Piper agreed with the Planning Commission's recommendation to grant the loans on contract-of-sale. He stated that he agreed more with the Community Development Commission's decision, but he accepts the Planning Commission's proposed amendment. He said that the broader the amendment, in respect to his clientele, the more people it will reach. Councilmember Lebermann asked whether the process of recording would be any problem to the program. Mr. Piper replied that the only requirement for recording is that it be notarized.

Councilmember Himmelblau asked if the Council would be limiting the decision to owner-occupied only; to which, Councilmember Linn replied yes.

Councilmember Trevino moved that the Council accept the joint recommendations of the Planning Commission and the Community Development Commission, as well as accept the Planning Commission's amendment for emergency repair. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Pro Tem
Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Mayor Friedman

ZONING HEARINGS

Mayor Pro Tem Snell announced that the Council would hear the zoning cases scheduled for 11:00 a.m. for public hearing. Pursuant to published notice thereof, the following zoning cases were publicly heard:

CITY OF AUSTIN	2874 Shoal Crest Avenue	From "A" Residence
By Parks and	also bounded by West 29th	5th Height and Area and
Recreation	Street and North Lamar	"O" Office
Department	Boulevard	1st Height and Area
C14-76-105		To "O" Office
		1st Height and Area
		RECOMMENDED by the Planning
		Commission, subject to the City
		monitoring the parking and pro-
		viding additional parking if it
		becomes necessary.

Mr. Lillie reviewed the application and stated that toward the latter part of last year the Council selected a site for Senior Citizens at 29th and Lamar. The application in question would amend the zoning to allow the center to be located on the selected site. He stated that a public hearing was held before the Planning Commission and that they recommended the application be granted. A site plan was also reviewed by the Planning Commission, at which time they noted their desire for the Council to be concerned about adequacy of parking now and in the future, as well as buffering to the adjacent property owners. The Construction Management Department did meet with the Planning Commission in that regard and are continuing to make some improvements with respect to the buffering and parking question. The zoning itself has been recommended by the Commission.

Councilmember Linn inquired as to whether we have any assurance that the area will be made safe. She said that she would like to see the site plan after the Council meeting.

Councilmember Hofmann moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None
Absent: Mayor Friedman

The Mayor Pro Tem announced that the change had been granted to "O" Office 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

AFTERNOON SESSION 2:00 P.M.

The Council then returned for the afternoon session, with Mayor Friedman present, and Councilmember Trevino having left for an emergency.

AMNESTY WEEK

Mayor Friedman read and then presented a proclamation to Mrs. Louise Ransom, Director of Americans for Amnesty, proclaiming the week of January 13-20 as "Amnesty Week." The proclamation reads, in part, "whereas the same ideological premises which once caused much dissension now dictate compassion and social justice, and that we honor the memory of 57,000 young men who relinquished their youthful vigor, performing their deeds on the scorned battlefields, by trying to heal the wounds." Mayor Friedman invited all citizens to join him in subscribing to the cause of these afflicted Americans. Mrs. Ransom thanked the Council and accepted the proclamation on behalf of her son, Robert Ransom, Jr., who died in Viet Nam in 1968, as well as the million or so war resisters who would benefit from a true amnesty.

LOS ALTOS CONDOMINIUMS

HARVEY H. LANE and Westlake Drive
JOHN VAN WINKLE
C814-76-001

From Interim "AA" Residence
To a 44-unit Planned Unit
Development called "LOS
ALTOS CONDOMINIUMS"
NOT Recommended by the Planning
Commission

Mayor Friedman opened the hearing scheduled for 11:00 a.m. by asking Mr. Dick Lillie, Director of the Planning Commission, to report to the Council. He stated that the application fell on the west side of Lake Austin. In July of 1974 an application was made for 53 units plus 8 apartments on 7.28 acres for a total of 61 units. The project occurred outside of the City limits. On August 6, 1974, the Zoning Commission recommended denial of the project because of traffic, land use compatibility and a desire to wait for the recommendations of the Lake Austin study. On August 13, 1974, the request to withdraw by the applicant was accepted by the Planning Commission. In February 1976, construction began on 17 condominium units. In April, 1976, water and sewer mains were approved by the Water and Wastewater Department. On July 1976, the site was annexed to the City by the Council. October 1976, an application of 51 units on the 7.28 acres was submitted. It had a density of just over 7 units per acre. In November, the Planning Commission postponed action until December so the applicant could address several areas of concern dealing with density, compatibility, water run-off and traffic.

Mr. Lillie stated that this tract was in the City and was "AA" Residence zoned. He stated that this zoning permits 5 units per acre whereas the proposed project has a density of just over 6 units per acre. South of the tract in West Lake Hills the density is 1 unit per acre maximum. The remainder of the area, in the County, has no density restrictions. He stated that the proposed 6 units per acre were not compatible with development in the area. He stated that although there was little development in the area, water mains already existent in the area have a capacity of only 3 to 5 units per acre, which is the standard generally in Austin, and that the proposed project would exceed that standard. He stated that the water run-off was small and would not require filtration until later in the project. In regards to the traffic situation, he stated that the Urban Transportation Department and the County Engineering Department reviewed the project and developed driveway locations which were designated on the site plan.

Mr. Lillie then stated that the Planning Commission held a second public hearing in December and reduced the proposed 51 units down to 44 units. They recommended by a vote of 4 to 2 to deny the project application because of incompatibility with surrounding land use, density and traffic and fire hazards. Mr. Lillie then presented the Council with a packet of materials pertaining to the project.

Councilmember Linn asked Mr. Lillie what the staff recommendation was. Mr. Lillie replied that the staff recommended that the project be approved subject to department requirements.

MR. BERT HOOPER, attorney representing Harvey H. Lane and Associates, presented the development plans for the project to the Council. The tract consists of two different topographies, an upper segment and a lower segment. The upper segment was not percipitous whereas the lower segment was on Bee Creek. He stated that the lower segment will become a conservation zone and construction would take place on the upper segment. Mr. Hooper showed the segments of the tract on a map. He made mention of plans A and B, each of which contained 44 units. He said that the Planning Commission considered 4 factors in review of the project:

1. Compatibility
2. Water run-off
3. Density
4. Traffic and fire hazards

In regards to traffic, he stated that adjustments have been made for access to the development. On fire, he stated that there is a fire district that would serve the area. As to density requirements, the project was classified as a type "A" Residential zoning area. As to compatibility, there will be a mixture of development. The conservation (lower) segment or easement, would act as a buffer between the upper easement where the construction will be located, and the Boca Chica Apartments so that the project wouldn't appear to be cramped in. As to the water situation, he said there would be no septic tanks but organized Water and Wastewater collection system. He said that this would comply with the Lake Austin Development Plan as to water quality and quantity.

Councilmember Lebermann asked Mr. John Van Winkle, architect of the project, what would be the most economical minimum density that the builders would agree to. He stated that it would have little effect as far as water capacity would be concerned. He also stated that the reduction would have little effect as to the total impact. Mr. Hooper said that Mr. Lane had suggested reducing the project by 3 units out of the center of the project.

MS. ANN RICHARDS, County Commissioner of Precinct 3, Travis County, spoke before the Council. She stated that no County approval to satisfy the County flood plain ordinance was sought by the developers and none was obtained. No plats of the Los Altos project was ever filed with Travis County. Prior to annexation, the County ordinances were violated by the developers by non-conforming use of land. She stated that the Council was being asked to bless a project that was considered unlawful in the viewpoint of the County. Ms. Richards read a letter from the County Engineer, which stated that neither he or his staff gave any approval for construction of the Los Altos project. She stated further that the project lacked safe entrances and exists from a traffic safety standpoint. For the purpose of fire vehicles there is only one safe entrance onto the project. Ms. Richards and the County Traffic Safety Engineer both recommended that the one main entrance to the project be built on the far eastern side of the project.

MR. JOHN SCANLON, representing persons in the Austin Extraterritorial Jurisdiction (ETJ) and a number of Austin citizens, spoke before the Council. He stated that the original 17 units do not fit the definition of a non-conforming use. He stated that as far as compatibility was concerned, the area to the south of the project was composed of single-family, one-acre tracts and that the nearby Boca Chica apartments were an anomaly which brought about the zoning restrictions in the area. Therefore, the Boca Chica apartments could not be used as criteria for development of the project. On the north side of the project the applicants admit that the density would be a maximum of two units per acre. He stated that some of the units would be closer than 10' to the rim of a cliff and that the Lake Austin Management Plan recommends that no construction take place closer than 200 feet to the edge of a cliff. He stated that after impervious cover, there remained 19,000 feet of building space on which he suggested a maximum of 18 units be developed. He stated that the reduction of units from 61 to 51 were taken from the area which would be the flood plain and that the City wouldn't be getting anything any way. He stated that anyone tying onto a sewer line would have to compensate the builder. He said this should be considered from the economic standpoint. He told the Council that he had signatures of at least 20% of the people living within 200 feet of the perimeter of the project, protesting the development of the project. He also had signatures of 203 people living in the ETJ or the City of Austin who opposed the project. He presented the signatures to the City Clerk.

MS. ELENOR EISENBURG, a property owner adjact to the project, spoke before the Council on the issue of density. She objected to the fact that she had not been contacted as to her intended use of land in the area. She stated that any conjecture of the developer on the land use by other property owners in the area was out of order.

MR. TOM LEECH, architect and planning consultant, spoke before the Council on the density of the project. He felt that the density was incompatible with the neighborhood. In regards to the fire situation, he stated that the nearest fire station was 4 miles away. He said that the proposed units are only 6 feet apart, and that any fire that starts would be very likely to spread to the other units. He stated that the Lake Austin growth plan was being violated in every particular except the sewerage.

MR. RICHARD TIMS, a neighbor of the applicant, spoke before the Council. He read a statement from Ms. Kay Hart of "We Care Austin." She urged that the Council use caution in reviewing the Los Altos application, in lieu of its bearing on the Lake Austin management plan. In particular, the consideration of density. Mr. Tims stated that the majority of the opposition that had been sent in was from people living in the surrounding ETJ.

MS. PEGGY FURGESON, President of Now or Never, spoke before the Council. She expressed her organization's opposition to the Los Altos project because it did not comply to the Lake Austin management plan. She said that it would not comply with the ordinance because of its lack of compatibility with the existing and planned use of the land immediately surrounding it. She also stated that if the project were approved, it would cause similar development applicants to come before the Planning Commission. She urged the Council to uphold the Planning Commission's recommendation to deny the request.

A MR. COLLINS, a resident of the ETJ, spoke before the Council. As to the question of density, Mr. Collins recommended that the Council place a limit of 2 to 2-1/2 units per acre on all future development projects.

DR. MARILYN WAIT, a resident of the ETJ, spoke before the Council. Dr. Wait stated that she wanted to build a home in the area and was concerned about the water and wastewater facilities in the area. She stated that the existing sewer line would not do very many people any good because they would have to run gravity feed lines down to the pump at their own expense. She stated that run-off from the area would induce additional strain on the Austin water and wastewater treatment plants. She questioned the fact that parking facilities at the project would accomodate the residents living there. Mayor Friedman stated that that problem was up to the individual owners. She stated that the area had been stripped and that all the erosion was emptying into Bee Creek.

MR. DICK STANFORD, Chairman of the West Lake Hills Zoning and Planning Commission, spoke before the Council as an individual only. He stated that the City Planning Commission, two years ago, found the project incompatible with the surroundings in the area. Despite the City findings, the project was started in condominium form. By having one large subdivision plat, the developer was able to obtain City utility connection. He stated that this was a loophole that needed to be closed. He stated that this was simply recycling of a disapproved project, and calling it a PUD. He stated that Los Altos was not compatible with the one-acre, single-family policy of nearby West Lake Hills. He stated that future developers would be forced to bring forth similar projects in order to meet competition and that the end result would be Lake Austin, densely lined by apartment type residences, which only the most wealthy will be able to afford. He recommended that the Council sustain the Planning Commission's findings of denial of the Planned Unit Development (PUD) on the basis of incompatibility.

MS. HENRIETTA JACOBSON spoke before the Council, against the approval of the maximum number of housing units that would be permitted on the Los Altos project. She recommended denial of the project since it was in conflict with the Lake Austin growth management plan. She stated that by stripping the area in order to construct townhouses, the developer was lowering the quality of the neighborhood in a manner that was unacceptable to everyone in the area. She stated that the increased amount of traffic in the area would heighten the danger in the area.

MR. TAY BOND spoke before the Council. He stated that approval of the project would set a precedent that was not in the best interest of the people living in the area. He also recommended against the density of the project as it was presently requested.

Mr. Hooper again spoke before the Council. He stated that they did not represent that the County Engineer approved the project. They were told that since it was a PUD and not a subdivision, that the County had no jurisdiction. Mr. Hooper cited a letter that Mr. Lane had sent to County Commissioner Johnny Voudouris stating that he would cooperate in any way that the County deemed necessary. As to the roadway, he stated that they would be willing to discuss some realignment of the entrance. He stated that the applicant is doing everything possible to meet the requirements of the City departments. He stated that they can meet the requirements of the Lake Austin development plan impervious cover criteria through the process of providing the holding pond on the property which will retain the run-off. As to the fire hazard, the paneling on the exterior of the building is a masonite material, not wood-paneling, which is an added fire safety feature. He stated that Mr. Graves of the City Engineering Department stated that the retention provisions that had been made would prevent any adverse impact of water quantity or quality in Lake Austin. As to

incompatibility, he stated that this was purely a judgment matter and was strictly in the eye of the beholder. Mr. Hooper asked for clarification on the fact that it takes 6 Council votes to override a denial vote from the City Planning Commission. City Attorney Jerry Harris stated that unless this policy was changed by the Texas State Supreme Court, the 6-vote requirement was good and that overturning of the Planning Commission's ruling on the Los Altos matter would require all 6 votes of the Council.

Motion

Councilmember Himmelblau moved that the Council close the public hearing and bring the matter of the permit before the Council on January 27, 1977. The motion was seconded by Councilmember Lebermann.

Mayor Pro Tem Snell asked Mr. Hooper about the reduction of the number of units. He stated that three in the center would be reduced. Mayor Friedman stated that he had suggested that 3 would not be the answer and that he had suggested a reduction of at least 5 units and lower the number of units to between 34 and 36. Mayor Pro Tem Snell also asked Mr. Hooper how he felt about changing the main entrance location of the project. Mr. Hooper stated that they would certainly be willing to work this out to the satisfaction of the City, County and the developer.

Councilmember Hofmann asked Mr. Lillie if the project conformed with the provision of the Lake Austin development plan. He stated that the Lake Austin plan does not speak to density at all. It states that land can be developed under performance. And while the project does exceed maximum numbers within that study, if the owner is willing to mitigate the excessive standards, the plan should be considered. Councilmember Linn asked Mr. Lillie about the project's distance from the cliff. He stated that that provision was not presently being considered by the Planning Commission. The Commission is considering water quality and water quantity types of things and not the aesthetic things. Councilmember Hofmann asked Mr. Lillie what the applicant could do if the Council rejected the application. He stated that the area was "AA" zoned and that the applicant could construct single-family residences on the property.

MR. JOHN BYERS, Mr. Lane's partner, spoke before the Council. He stated that they have sincerely tried to follow City and County guidelines. He told the Council that his company stood to lose financially if the project did not pass and requested that the application be approved.

Roll Call

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Mayor Friedman

Noes: Councilmember Linn

Absent: Councilmember Trevino

SOUTHERN UNION GAS COMPANY RATE APPLICATION

Mayor Friedman opened the public hearing which was recessed from December 30, 1976, to consider Southern Union Gas Company's rate application.

DON BUTLER, rate consultant for the City of Austin, distributed the following items to the Council:

1. Revised report from Hess & Lim.
2. Proposed ordinance.
3. Computation of rate increase using a 70/30 rate base suggested by Mayor Friedman.

The revised recommendation by Hess & Lim was for an increase of \$1,145,000 per annum. The Company had requested an increase of \$2,361,365 per annum, which constituted an increase of approximately 30% in other than gas costs. The Hess & Lim recommended increase was approximately 13.5% in operational costs. Using a 70/30 rate base and applying an 8% rate of return, the increase would be \$867,669 per annum, which was about a 10% increase.

Mr. Butler stated that the Company had requested a 20% return to stockholders' equity, which he felt was exorbitant. Using a 70/30 rate base and an 8% rate of return, would produce a 12.4% return to stockholders' equity. Using the Hess & Lim recommendation of a 60/40 rate base and an 8% rate of return, would produce a 13.6% return to stockholders' equity. By comparison, the State Public Utilities Commission had granted Southwestern Bell a 12.75% return to stockholders' equity, while the Texas Municipal League had recommended 12.2%.

In the last Southern Union case (Docket 578), which was now on appeal, the Texas Railroad Commission had allowed about a 16% to 16.5% return to stockholders' equity, even though the order purported to give only a 14.4% return to stockholders' equity.

R. M. LACZKO, District Manager, Southern Union Gas Company, stated the Company had examined the proposal and report by Hess & Lim as mentioned by Mr. Butler. There had been a difference of opinion regarding the weather adjustment, and Hess & Lim had accepted the Company's position. Mr. Laczko had reviewed the ordinance proposed by Mr. Butler and recommended that the Council pass the ordinance. If the Company accepted the ordinance within ten days after passage, then it would surrender its right to appeal the rate case to the Texas Railroad Commission.

In response to Councilmember Lebermann's question, Mr. Laczko stated that he did not make the final decision as to the Company's position. However, it would be his personal recommendation to management to accept the ordinance (60/40 rate base, with an 8% rate of return and a 13.6% return on stockholders' equity).

In response to Mayor Friedman's question, Mr. Laczko stated that the Company would not want to give up its right to continue its appeal on Docket 578 that it should stand on its merits. The appeal involved a gas purchase of \$2.27 million which the Company could not recover through the then existing cost of gas adjustment procedures.

In response to Mayor Friedman's question, Mr. Laczko stated that if the Company won the appeal, it would not voluntarily reduce utility bills if granted a rate increase now by the Council. Mayor Friedman did not feel that the rate payers should be penalized because the Company could not collect the \$2.27 million. Mr. Laczko stated that the money was not collected at the time the expenditures were made because the gas cost adjustment procedures were changed. If the Company won the present appeal, collection of the money would occur over a protracted period of time to reduce the impact on rate payers.

Motion

Councilmember Lebermann moved that the Council accept the recommendation of the consultant and Mr. Butler (60/40 rate base, with 8% rate of return and a 13.6% return on stockholders' equity). The motion, seconded by Councilmember Hofmann, showed the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Himmelblau*
Noes: Councilmembers Linn, Mayor Friedman, Mayor Pro Tem Snell
Absent: Councilmember Trevino

*Councilmember Himmelblau stated that she hated to vote on an increase, but in respect to the consultant and Mr. Butler, she voted "Yes."

*Mayor Friedman stated that in respect to the consultant and the adequate presentation, the recommendation still allowed too much money, so he voted "No."

Mayor Friedman stated it was his understanding that with a tie vote, the rate increase was DENIED. Mr. Butler stated that based on the wording of the Public Utility Act, he thought the Mayor's interpretation was correct. However, he felt that there should be an understanding on the part of the Council to avoid some problems going into effect under bond because there were time limitations in the Act.

Motion

Councilmember Linn moved that the Council list the previous vote as a denial of the rate increase. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Trevino

Mayor Friedman stated that by unanimous vote the Council agreed that the 3 to 3 vote turned down the rate increase request.

TAX APPEALS

Mayor Friedman opened the hearing scheduled for 3:30 p.m. to hear tax appeals. The Council then publicly heard the following tax appeals:

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$914,436	\$1,371,654	Did Not	\$1,028,740	\$1,028,740
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$914,436	\$1,371,654		\$1,028,740	\$1,028,740

Ownership and Description:

AUSTIN CORPORATION

By: David Barrow
(1st of 9 properties)

Parcel No. 9-1-3807-0602

304.812 Acres

T. J. Chambers Grant

Address of Property:
Acreage

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$99,900	\$159,840	Did Not	\$119,880	\$119,880
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$99,900	\$159,840		\$119,880	\$119,880

Ownership and Description:

AUSTIN CORPORATION

By: David Barrow
(2nd property)

Parcel No. 9-1-3206-0114

39.96 Acres

T. J. Chambers Survey

Address of Property:
Acreage

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$24,984	\$37,152	Did Not	\$27,860	\$27,860
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$24,984	\$37,152		\$27,860	\$27,860

Ownership and Description:

AUSTIN CORPORATION
By David Barrow
(3rd property)

Parcel No. 9-1-3906-0705
12.384 Acres
T. J. Chambers Grant

Address of Property:
Acreage

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$45,052	\$72,292	Did Not	\$54,220	\$54,220
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$45,052	\$72,292		\$54,220	\$54,220

Ownership and Description:

E. R. BARROW
By David B. Barrow
(4th property)

Parcel No. 1-4405-0510
36.146 Acres
James M. Mitchell Survey

Address of Property:
Vacant

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$619,420	\$796,397	Did Not	\$597,300	\$597,300
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$619,420	\$796,397		\$597,300	\$597,300

Ownership and Description:

E. R. BARROW
By David B. Barrow
(5th Property)

Parcel No. 9-1-3206-0105
176.977 Acres
T. J. Chambers Grant

Address of Property:
Vacant

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$13,452	\$20,178	Did Not	\$15,130	\$15,130
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$13,452	\$20,178		\$15,130	\$15,130

Ownership and Description:

AUSTIN CORPORATION
By David Barrow
(6th property)

Parcel No. 9-1-3206-0102
6.726 Acres
T. J. Chambers Grant

Address of Property:
Vacant

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$28,899	\$48,165	Did Not	\$36,120	\$36,120
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$28,899	\$48,165		\$36,120	\$36,120

Ownership and Description:

AUSTIN CORPORATION

By David Barrow

(7th property)

Parcel No. 1-3501-0214

Lot 4, Block J

Northwest Hills

Section 14-A

Address of Property:

Vacant

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$32,900	\$54,833	Did Not	\$41,120	\$41,120
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$32,900	\$54,833		\$41,120	\$41,120

Ownership and Description:

AUSTIN CORPORATION

By David Barrow

(8th property)

Parcel No. 1-3501-0215

Lot 5, Block J

Northwest Hills

Section 14-A

Address of Property:

Vacant

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$55,000	\$77,385	Did Not	\$58,040	\$58,040
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	<u>0</u>
Total	\$55,000	\$77,385		\$58,040	\$58,040

Ownership and Description:

DAVID BARROW
(9th property)

Parcel No. 9-1-3807-0601
22.11 Acres
T. J. Chambers Grant

Address of Property:
Vacant

Mr. David Barrow, Jr., representing his father, David B. Barrow, Austin Corporation and the estates of his uncle and wife, E. R. Barrow, first discussed Lots 4 and 5, Block J, Northwest Hills, Section 14-A. He stated that the tax increase on the two lots over the previous valuation was 67% and that the increase was excessive. He regarded the land as a buffer zone and had not applied for multi-family zoning. The land had been held for sale for single-family use, such as townhouses, duplexes or a PUD, but there had not been a buyer.

Regarding the remaining 7 properties, Mr. Barrow stated that the percentage increase in valuation on all of the properties was about 50%. He then reviewed various problems which prevented the sale of the properties, such as the moratorium on new subdivision plats, absence of approach mains, locations within the Lake Austin Study Area, and other restrictions. He asked that taxes not be increased, but remain the same as they were previously until controls being placed upon developers were clarified.

Mr. Barrow stated that at the time the appeal was made to the Board of Equalization, the Board was not aware of the restrictions or conditions he had just named. Even after the Board had requested Dick Lillie, Director of Planning, to speak to them about the problems, the Board still upheld the recommendations of the Tax Department and Mr. Barrow could not understand why.

Mr. Jack Klitgaard, Tax Assessor-Collector, stated that at the time the appeals were heard by the Board of Equalization, Mr. Lillie did speak before the Board and testified that some subdivisions in the area were being approved. He stated that the Tax Department did not look at percentage increases in the valuation process, but attempted to find the present market value of property by observing sales in the general area. Area sales had ranged from \$3,000 to \$4,000 up to \$11,000 per acre. A survey by the Governor's Office of Education Resources indicated that the Austin Independent School District was placing values on property which came only to 60% to 70% of the property's value instead of 100%.

Council Action

Councilmember Linn moved that the Council uphold the recommendations of the Board of Equalization as follows:

Ownership and Description	Property	1976 Value by Board of Equalization 75%	Council Action
AUSTIN CORPORATION	Land	\$1,028,740	\$1,028,740
By David Barrow	Imps.	<u>0</u>	<u>0</u>
(1st of 9 properties)			
	Total	\$1,028,740	\$1,028,740

Parcel No. 9-1-3807-0602
304.812 Acres
T. J. Chambers Grant

Address of Property:
Acreage

AUSTIN CORPORATION	Land	\$119,880	\$119,880
By David Barrow	Imps.	<u>0</u>	<u>0</u>
(2nd property)			
	Total	\$119,880	\$119,880

Parcel No. 9-1-3206-0114
39.96 Acres
T. J. Chambers Survey

Address of Property:
Acreage

AUSTIN CORPORATION	Land	\$27,860	\$27,860
By David Barrow	Imps.	<u>0</u>	<u>0</u>
(3rd property)			
	Total	\$27,860	\$27,860

Parcel No. 9-1-3906-0705
12.384 Acres
T. J. Chambers Grant

Address of Property:
Acreage

Ownership and Description	Property	1976 Value by Board of Equalization 75%	Council Action
E. R. BARROW	Land	\$54,220	\$54,220
By David B. Barrow	Imps.	<u>0</u>	<u>0</u>
(4th property)			
	Total	\$54,220	\$54,220

Parcel No. 1-4405-0510
36.146 Acres
James M. Mitchell Survey

Address of Property:
Vacant

E. R. BARROW	Land	\$597,300	\$597,300
By David B. Barrow	Imps.	<u>0</u>	<u>0</u>
(5th property)			
	Total	\$597,300	\$597,300

Parcel No. 9-1-3206-0105
176.977 Acres
T. J. Chambers Grant

Address of Property:
Vacant

AUSTIN CORPORATION	Land	\$15,130	\$15,130
By David Barrow	Imps.	<u>0</u>	<u>0</u>
(6th property)			
	Total	\$15,130	\$15,130

Parcel No. 9-1-3206-0102
6.726 Acres
T. J. Chambers Grant

Address of Property:
Vacant

Ownership and Description	Property	1976 Value by Board of Equalization 75%	Council Action
AUSTIN CORPORATION	Land	\$36,120	\$36,120
By David Barrow	Imps.	<u>0</u>	<u>0</u>
(7th property)	Total	\$36,120	\$36,120

Parcel No. 1-3501-0214
Lot 4, Block J
Northwest Hills
Section 14-A

Address of Property:
Vacant

AUSTIN CORPORATION	Land	\$41,120	\$41,120
By David Barrow	Imps.	<u>0</u>	<u>0</u>
(8th Property)	Total	\$41,120	\$41,120

Parcel No. 1-3501-0215
Lot 5, Block J
Northwest Hills
Section 14-A

Address of Property:
Vacant

DAVID BARROW	Land	\$58,040	\$58,040
(9th property)	Imps.	<u>0</u>	<u>0</u>
	Total	\$58,040	\$58,040

Parcel No. 9-1-3807-0601
22.11 Acres
T. J. Chambers Grant

Address of Property:
Vacant

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Mayor Friedman, Mayor
Pro Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Councilmember Trevino

The Council then heard the following tax appeals:

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$125,983	\$161,978	Did Not	\$121,480	None
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	
Total	\$125,983	\$161,978		\$121,480	

Ownership and Description:

AUSTIN LAND INVESTMENT, LTD.
By William Montandon
(1st of 5 properties)

Parcel No. 8-2-1831-0601
71.99 Acres
James Burleson Survey 19

Address of Property:

Vacant

Land	\$289,765	\$372,555	Did Not	\$279,420	None
Imps.	<u>0</u>	<u>0</u>	Render	<u>0</u>	
Total	\$289,765	\$372,555		\$279,420	

Ownership and Description:

AUSTIN LAND INVESTMENT, LTD.
By William Montandon
(2nd property)

Parcel No. 8-2-1831-0602
165.58 Acres
James Burleson Survey 19

Address of Property:

Vacant

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$80,507	\$80,507	Did Not	\$57,380	None
Imps.	<u>0</u>	<u>0</u>		<u>0</u>	
Total	\$80,507	\$80,507		*\$57,380	

Ownership and
Description:

*Assessed value less \$3,000 Veteran's Exemption

WILLIAM MONTANDON, ET AL
By William Montandon
(3rd property)

Parcel No. 2-1831-0201
40 acres
James Burleson Survey 19

Address of Property:
Vacant

Land	\$40,800	\$48,960	Did Not	\$36,720	None
Imps.	<u>8,166</u>	<u>11,135</u>	Render	<u>8,350</u>	
Total	\$48,966	\$60,095		\$45,070	

Ownership and Description:

WILLIAM MONTANDON, ET AL
By William Montandon
(4th property)

Parcel No. 2-1831-0202
16.32 Acres
James Burleson Survey 19

Address of Property:
Route 1, Box 128

Property	1975 Appraised Value 100%	1976 Appraised Value 100%	1976 Rendered Value 75%	1976 Assessed Value 75%	1976 Value by Board of Equalization 75%
Land	\$36,225	\$43,470	Did Not	\$32,600	None
Imps.	<u>0</u>	<u>0</u>		<u>0</u>	
Total	\$36,225	\$43,470		\$32,600	

Ownership and Description:

WILLIAM MONTANDON, ET AL
By William Montandon
(5th property)

Parcel No. 2-1831-0203
14.49 Acres
James Burleson Survey 19

Address of Property:
Vacant

William C. Montandon presented information on two parcels (71.99 acres and 165.58 acres) which he said was typical of all 5 parcels on appeal. The property originally was part of 535.982 acres purchased in 1968. Taxes for that year on the land were \$1,461.92. Since that time part of the acreage had been sold. Taxes in 1975 on the remaining 237.57 acres were \$8,490.10. Taxes for the same acreage in 1976 totaled \$9,944.80. Mr. Montandon had offered to sell the acreage for \$2,000 an acre, but could not find a buyer. The land was assessed by the Tax Department at \$2,250 per acre. The property was in the City of Austin, but was located in the Manor school district.

Mr. Jack Klitgaard stated that the property was not appealed to the Board of Equalization, nor did the Board or Tax Department get to review the assessments prior to the appeal to the City Council. Market information available to the Tax Department was based on the 1973 selling price of \$3,250 per acre on 166 acres. The land was not appraised by the Tax Department at \$3,250 per acre due to the flood plain impact. The offering price of \$2,000 per acre on the two larger tracts was new information to Mr. Klitgaard. In response to Councilmember Linn's question, Mr. Klitgaard stated that if the \$2,000 per acre price had been known to the Tax Department, it was quite likely that the land would not have been appraised at \$2,250 per acre.

After some further discussion, the Council agreed to POSTPONE voting on the appeal until January 28, 1977, at which time an updated report would be presented to the Council regarding the property.

RELEASE OF EASEMENT

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing release of the following easement:

A portion of a Public Utilities Easement out of Lot 1, Vaught Tract, and being a portion of the east 5.00 feet of the west 10.00 feet of Lot 1, Vaught Tract being a subdivision in the City, and Lot 1 known as 6320 Burnet Road. (Requested by Mr. John W. Vaught for the owner, his mother, Patricia Vaught Davis)

The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: None
Absent: Councilmember Trevino

REVOCATION OF LICENSE AGREEMENT

Councilmember Hofmann moved that the Council adopt a resolution authorizing the revocation of the License Agreement granted on May 20, 1976, for light poles and sprinkler system to Joe R. Dobson, Rivertowne Mall and locally known as 1939-1943 and 2001-2015 East Riverside Drive. (Requested by Mr. S. Reuben Rountree, Jr., P. E., Director of Public Works Department) The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: None
Absent: Councilmember Trevino

PUBLIC RESCUE DEMONSTRATION

Councilmember Linn moved that the Council adopt a request by Mr. H. W. Anderson, Commander, Flotilla 75, United States Coast Guard Auxiliary, to land a helicopter on Town Lake and use two power boats in a public rescue demonstration on January 22, 1977. (Navigation Board recommends approval) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Mayor Friedman
Noes: None
Absent: Councilmember Trevino

CONTRACTS AWARDED

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

DALMARK, INC.

Route 1, Box 86 on
Brandt Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, West Avenue Ductline, Construction of an Electric Ductline on West Avenue and 18th Street - \$16,240

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution awarding the following contracts:

Bid Award:

MCKESSON CHEMICAL COMPANY
4351 Director Drive
San Antonio, Texas

CHEM-SERV., INC.
1455 W. 16th Street
Long Beach, California

- Ferrous Sulphate, Heptahydrate and Monohydrate forms. Twelve (12) Months Supply Agreement with option for extension up to 90 days.
- Estimated 430 tons of Item No. 1 (Heptahydrate form) at \$78.64/ton
Estimated total \$33,815.20
- Estimated 287 tons of Item No. 2, alternate (Monohydrate form) at \$103.29/ton.
Estimated total \$29,644.23

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

ALLIS-CHALMERS
310 St. Mary's Street
San Antonio, Texas

- Engineering, Material, and Technical Service for Modification of Allis-Chalmers Booster Pump for use with Unit No. 4, Holly Power Plant, Power Production Division.
Item No. 1, Estimated \$23,384.00

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution awarding the following contracts:

Bid Award:	- Telemetering Parts, Tone Transmitters/ Receivers, Water and Wastewater Department.
DAQ ELECTRONICS 43 Commerce Street Springfield, New Jersey	- Item Nos. 1-10; \$22,145.00
DACO - % Dave Allert Co. 1335 North Beltline, Ste. #7 Irving, Texas	- Items Nos. 11-124; \$35,512.00

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

INTERNATIONAL BUSINESS MACHINES CORPORATION 1609 Shoal Creek Boulevard Austin, Texas	- Fixed Term Plan for Printer, Police Department. Item No. 1; 1 ea. @ \$857.00/month One (1) year Fixed Term Lease Plan, including upgrading subsystem, adding associated equipment as required and options for up to three one-year extensions.
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The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Trevino

CHANGE ORDER

Councilmember Linn moved that the Council adopt a resolution authorizing Change Order #1 to provide additional wastewater service in preparation for paving, in the amount of \$10,886.00 to Schmidt Construction Company, Inc. CAPITAL IMPROVEMENTS PROGRAM, St. John's Area Development, Phase II. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution authorizing Change Order #7, in the amount of \$10,770.22 to J. C. Evans Construction, Inc. CAPITAL IMPROVEMENTS PROGRAM, Bavis Water Treatment Plant 1974-Phase III Expansion. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Trevino

ARCHITECTURAL SERVICES

Councilmember Linn moved that the Council adopt a resolution to select the Architectural Services of CHARLES CROFT. CAPITAL IMPROVEMENTS PROGRAM, Northwest Austin Recreation Center. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Mayor Friedman, Mayor
Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution to select the Architectural Services of ZAPALAC & GRIFFIN. CAPITAL IMPROVEMENTS PROGRAM, Cultural Arts Center. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Linn, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None
Absent: Councilmember Trevino

SOIL INVESTIGATION AND TESTING

Councilmember Linn moved that the Council select TRINITY TESTING LABORATORIES, INC., for the Soils Investigation and Engineering Testing Services. CAPITAL IMPROVEMENTS PROGRAM, Northwest Austin Recreation Center. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: None
Absent: Councilmember Trevino

BUILDING USE AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing entering into a Building Use Agreement with the Texas Association of Museums for the use of two rooms of the lodge located on the grounds of the Elisabet Ney Museum, 305 East 45th Street. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: None
Absent: Councilmember Trevino

AUSTIN-TRAVIS COUNTY SENIOR LUNCHEON PROJECT

Mayor Friedman moved that the Council adopt a resolution authorizing the approval to enter into a contract with the Texas Governor's Committee on Aging for a \$32,590 transitional quarter funding grant to supplement the existing Title VII Austin-Travis County Senior Luncheon Project. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Mayor Friedman
Noes: None
Absent: Councilmember Trevino

LIBRARY MATERIALS

Councilmember Linn moved that the Council adopt a resolution authorizing a contract between the Texas State Library and the City of Austin in the amount of \$157,960 in Federal funds for the purchase of library materials. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Trevino

POLYGRAPH UNIT FOR POLICE DEPARTMENT

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing the acceptance of a Texas Criminal Justice Division grant award for the project entitled "Polygraph Unit for Austin Police Department" in the amount of \$31,720. (Program period January 1, 1977 through September 30, 1977) The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Trevino

GRANT MODIFICATIONS

Councilmember Linn moved that the Council adopt a resolution authorizing submitting a modification to a grant increasing the amount of the grant by \$696,469 to the Department of Labor for CETA Title I funds, to provide employment and training assistance to eligible area residents. (Period from October 1, 1976 through September 30, 1977) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution authorizing submitting a CETA Title II Grant Modification for an additional \$183,205 to the Department of Labor to provide public service employment positions for eligible area residents. (Program period October 1, 1976 through September 30, 1977) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Trevino

EMPLOYMENT AND TRAINING ASSISTANCE

Councilmember Linn moved that the Council adopt a resolution authorizing submitting a CETA Title VI Grant Application to the Department of Labor for \$992,218, to be used by the Capital Area Manpower Consortium to provide needed public service employment and training assistance to selected eligible area residents. (Program period January 1, 1977 through September 30, 1977) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Trevino

LEASE AGREEMENT AMENDMENT

Councilmember Linn moved that the Council adopt a resolution authorizing execution of an Amendment of Lease agreement covering additional space in the Travis Building for the Utility Customer Services Office. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Linn, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None
Absent: Councilmember Trevino

SKI RACES ON LAKE AUSTIN

The request by Mr. B. L. Mince, owner of Lake Austin Lodges, to hold ski races on Lake Austin the first weekend (Sunday afternoon only) of each month from November, 1976, through April, 1977, between the hours of 1:00 p.m. and 6:00 p.m. was withdrawn.

DRAG BOAT RACES

The request by the Austin Boat Club to hold three drag boat races on Town Lake, April 2 and 3, June 4 and 5, and August 13 and 14, 1977, will be considered by the Council on January 27, 1977, at 3:00 p.m.

GREATER AUSTIN AREA ORGANIZED CRIME CONTROL UNIT

Councilmember Linn moved that the Council adopt a resolution authorizing entering into an agreement with Travis County to create a mutual aid law enforcement task force cooperating in the investigation of criminals and the enforcement of the laws, being the Greater Austin Area Organized Crime Control Unit. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: None
Absent: Councilmember Trevino

USE OF CITY JAIL FACILITIES

Councilmember Hofmann moved that the Council adopt a resolution approving the revised contract with Travis County for use of City Jail facilities. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: Councilmember Linn
Absent: Councilmember Trevino

CONTRACTS WITH NEUROSURGEONS AT BRACKENRIDGE

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the City Manager to execute contracts with Neurosurgeons at Brackenridge Hospital. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Mayor Friedman
Noes: None
Absent: Councilmember Trevino

ZONING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 0.29 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2302-2305 BLUEBONNET LANE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Barry and Suzie L. Vance, C14-76-036)

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Mayor
Friedman, Mayor Pro Tem Snell
Noes: Councilmember Linn
Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) A 13.47 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1800 RUTLAND DRIVE, FROM "BB" RESIDENCE DISTRICT TO "A" RESIDENCE DISTRICT; AND,
(2) THE SOUTH 64 FEET OF LOT 7 AND THE SOUTH 64 FEET OF THE EAST 27 FEET OF LOT 8, BLOCK "C," PLACIDENA SUBDIVISION, LOCALLY KNOWN AS 4107 SOUTH 1ST STREET AND ALSO BOUNDED BY NORMANDY STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Annco, C14-76-104; Jim Glendening, C14-76-109)

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

TRUTH IN SELLING ORDINANCE

Mayor Friedman called attention to the fiscal note that calls for employment of two personnel, at least for the first year, to see how the program works out. He pointed out that it will be necessary to consider next year's budget for whatever Council is here, to either continue or discontinue the program. This fiscal note identifies the program but does not discuss the merits. The cost would be \$18,000 a year for two persons.

Mayor Friedman brought up the following ordinance for its third reading:

AN ORDINANCE REGULATING THE SALE OF REAL PROPERTY BY REQUIRING THE PROVISION OF AN AFFIDAVIT CONTAINING CERTAIN DESIGNATED INFORMATION; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the third time, and Councilmember Linn moved that the ordinance be finally passed. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

LICENSING OF ROOFING AND SIDING CONTRACTORS

Mayor Friedman brought up the following ordinance for its third reading:

AN ORDINANCE AMENDING CHAPTER 36 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR THE LICENSING OF ROOFING AND SIDING CONTRACTORS AND SALESMEN; PROVIDING FOR A DEFINITION SECTION; LIMITING APPLICABILITY OF SUCH LICENSING TO WORK PERFORMED OR CONTRACTED ON ONE OR TWO FAMILY DWELLINGS; REQUIRING THAT A PERMIT BE OBTAINED FOR WORK IN EXCESS OF \$350; REQUIRING A SURETY BOND; REQUIRING LICENSES; EXCEPTIONS TO LICENSING REQUIREMENTS; ESTABLISHING LICENSE FEES; PROVIDING FOR RENEWAL OF LICENSES; ESTABLISHING REQUIREMENTS FOR LICENSING; DESCRIBING THE POWERS AND DUTIES OF THE BUILDING OFFICIAL; PROVIDING FOR THE CANCELLATION OF LICENSES; PROVIDING AN APPEAL PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the third time, and Councilmember Himmelblau moved that the ordinance be finally passed. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Mayor Friedman, Mayor
Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

ITEMS FROM COUNCIL

Councilmember Himmelblau told the Council that a motion on the proposed 35th Street Cul-de-sac would be postponed for six or seven weeks on Mr. Kingsbury's request.

EAST 26TH STREET - DANCY STREET STUDY

Mr. Joe Ternus presented a report on the East 26th Street - Dancy Street Study. He said that as a result of studies of traffic flow, it is not recommended that traffic barricades be erected on 26th Street. Mayor Friedman said that because of the study made, he did not think any action is necessary from the Council one way or the other. He feels this will give the people a chance to contact the Council if they have any further thoughts on the matter.

POLICE ESCORT FEES

Discussion and action on Police Escort Fees has been postponed.

UTILITY SERVICE OFFICE

Mr. Monty Nitcholas, Finance Director, reviewed the concept of the utility service office, which required reorganization of the department. He asked for Council approval of the concept. An appropriation ordinance will be introduced at a later date.

Councilmember Lebermann moved that the Council approve the concept of the Utility Service Office. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmember Linn, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None
Absent: Councilmember Trevino

ACCOUNTING SYSTEM

Mr. Monty Nitcholas, Finance Director, told the Council that the present accounting system is not adequate to meet many areas of our government. At present, he does not feel that there are enough people with enough time to do a complete study which needs to be done in order to provide a new accounting system. Patching of the present system would be of no value. He recommends that a consulting CPA firm be hired to work with them and the Data Systems Department. Mr. Nitcholas said he would bring the names of three CPA firms to the Council for their selection and asked for concurrence of the Council.

Councilmember Lebermann moved that the Council concur with the request for submission of three names of consulting CPA firms. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: None
Absent: Councilmember Trevino

CONGRESS AVENUE BRIDGE STUDY

Councilmember Linn moved that the Council choose alternative 1-C of the Congress Avenue Bridge Study:

No.	Description				
1C	New Superstructure, Prestressed Concrete Stringers				
Traffic Lanes	Retain Existing Arches	Effect On Existing Profile Grade	Estimated Construction Time (Months)	Estimated Yearly Maintenance Cost	Estimated Construction Cost (\$Millions)
5	Yes	Raise 14-1/2"±	22	\$ 1,000	3.6

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: None
Absent: Councilmember Trevino

FEDERAL AID-URBAN SYSTEM PROGRAM

Councilmember Lebermann moved that the Council approve the Urban System Program as follows:

1. Pleasant Valley Road (7th Street-Webberville Road)	\$ 438,000
2. Springdale Road (MLK-Hycreek)	600,000
3. South First Street (Ramble-Slaughter Lane)	715,900
4. Congress Avenue Bridge	4,400,000
5. Riverside Drive (IH 35-Summitt)	300,000
6. Springdale Road (Hycreek to North of US 183)	957,600
7. Riverside Drive (Pleasant Valley-Ben White)	900,000
8. South Congress Avenue (Oltorf to Ben White)	277,500
9. Decker Lake Road (US 183-MKT Railroad)	<u>50,000</u>
TOTAL	\$8,639,000

The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Mayor Friedman
Noes: None
Absent: Councilmember Trevino

ADJOURNMENT

The Council adjourned at 6:20 p.m.

APPROVED

Mayor

ATTEST:

Grace Monroe
City Clerk